

**CONSERVATION COMMISSION**  
**DRAFT MINUTES OF THE MEETING**  
**WEDNESDAY, JULY 18, 2007 – 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**MAX SCHENK, CHAIRMAN**

**MEMBERS PRESENT**

Max Schenk, Chairman  
Charlie Anderson  
William Febiger  
Ann Jo Jackson  
John Feener  
(Brandon Frontiero)

**MEMBERS ABSENT**

Arthur Socolow

**STAFF PRESENT**

Nancy Ryder, Conservation Agent  
Carol Gray, Recording Clerk

Mr. Max Schenk, Chairman opens the meeting and reads the agenda for this evening.

**CLOSURE OF HEARINGS, REVIEW OF FINAL INFORMATION AND  
AMENDMENTS AND SIGNING OF PERMITS/DECISIONS**

**15 WOLF HILL WAY**

The Agent states that the final top coat was put on the drive.

Photos were shown noting photo 1 before the top coat and photo 2 after the top coat. The photos were sent to the Engineering Dept as well as the owner.

She notes this going back to Engineering and asks the Commission what action they would like to take suggesting and extension along with a follow up letter.

Water is draining down the road.

Mr. Schenk inquires as to a letter being sent with a warning.

Mr. Febiger inquires as to the location of the catch basin with Mr. Feener stating that the catch basin is uphill.

The GCC reviews the photos.

Mr. Frontiero notes a possible regrading of the surface. He further notes that when you have an issue such as this it constitutes a bad grading/paving job.

Mr. Schenk inquires with Mr. Frontiero as to a time frame for this job and Mr. Frontiero states that it would be approx. 2 days work with approx. 48 hrs. to acquire the machine and then performing the job.

Ms. Ryder notes that the owner needs to go to the Engineering Dept. A letter will be sent by the Agent 08/07/07 with a plan for correction submitted 08/15/07 with the end of August as a date for work to be done.

**MOTION:** Ms. Jackson moves for the above actions to be taken.

**SECOND:** Mr. Anderson

**VOTE:** 5-0 all in favor

### **5 CEDARWOOD RD.**

The Engineering Dept and DPW have not filed an NoI or resolved the issue.

The Agent notes that they are asking the GCC to grant an extension for a month.

**MOTION:** Ms. Jackson moves to grant the extension for a month.

**SECOND:** Mr. Anderson      **VOTE:** 5-0 all in favor

### **13 MADISON COURT**

Anthony Tocco, owner, present.

The Agent notes that the revised plan was submitted as requested.

Mr. Schenk notes an annotation to be noted on the plan as additional information in re: the no disturb planting zone and conditions.

Mr. Tocco states that the shed was shifted 4 ft. along with being reduced from 16 x 16 to 16 x 9, as it was cut by 7ft.

The Agent notes the \*\*\*\*\* behind the silt fence stays in place.

Mr. Tocco notes that he pulled out about 81 boulders.

Mr. Anderson states that the Enforcement Order should be lifted along with approval.

**MOTION:** Mr. Febiger moves to remove the Enforcement Order

**SECOND:** Mr. Anderson

**MOTION:** Ms. Jackson moves to accept the plan with the annotations and modifications with Eng. approval

**SECOND:** Mr. Febiger      **VOTE:** 5-0 all in favor

(positive 2A5, neg. 3)

**PUBLIC COMMENT:** Mr. Schenk notes that this is time for the general public to speak regarding environmental issues in the community that are not on the agenda.

Ms. Elizabeth Steele speaks to the Commission and gave her thoughts and compliments to Mr. Schenk regarding his term of service as the Chairman of the Gloucester Conservation Commission.

**CLOSED**

### **39 WOODWARD AVENUE** (Map 219, Lot 102)

Ms. Ann Jo Jackson recused.

The Agent summarizes stating that no one has any issues. She further states that Shellfish and DMF along with the Agent discussed a study pilot program regarding docks and piers on shellfish flats that could be implemented. There is dense phragmites on the site with a salt marsh on the other side and this would be a great case study.

Mr. Dan Ottenheimer presents a plan to the Commission regarding a neighbor's assessment re: docks and phragmites in the area. He further noted a meeting with Shellfish on Friday. The applicant wants to work in cooperation with the agencies.

The Agent notes that this is an opportunity to learn something having DMF as a partner along with the applicant.

Mr. Febiger inquires as to the docks and phragmites and the Agent notes, just a theory in relation to the creation of phragmites growing and the velocity of the water being impacted, with Mr. Febiger noting the circulation effects.

Mr. Feener notes at the last meeting this was discussed and was going to be altered. Dan notes that there is not much width to work with and notes a 12 inch tree that may be impacted and it would not be worth it to move things 2 to 3 ft.

Ms. Ryder notes that a condition can be in place that Dave Sargent add written comments.

Mr. Anderson notes the understanding with DMF and an experimental case site through the GCC. Ms. Ryder notes this can be modified through Tay and Stephanie.

The Agent notes that the research would be the mitigation and a condition that Dave Sargent submit written comments.

She further notes that the research program would go forward and if not other mitigation needs to be in place. She further notes the Statement of Reason and conditions to be in place.

MOTION: Mr. Anderson moves to approve.

SECOND: Mr. Febiger

RECUSED: Ms. Jackson

VOTE: 4-0 all in favor

**4 CHERRY STREET** (Map 105, Lot 22)

Scott Merchant to construct an addition, re-pave drive, re-construct a shed and restore a stream bank.

The Agent notes that the applicant has requested a continuation to 08/15/07 at 9:30 PM.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Ms. Jackson

VOTE: 5-0 all in favor

**36 WOLF HILL ROAD** (Map 88, Lot 15) **NEW**

Thomas Bubier requests the GCC to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance for the construction of an addition and conversion of a boat house.

The Agent notes a request by the applicant for a continuance of 08/15/07 at 9:30 PM.

Mr. Bubier notes his presence at the meeting this evening and asks if he can speak to the Commission. He notes his architect being Mr. Ken Savoie.

He further notes that this is not meeting with the state building codes as the added living space is in a flood plain. He notes constructing the new room above the boat house with no seawall and no change in footprint.

Ms. Ryder notes that the RDA states no heavy machinery and if heavy machinery is to be used this needs to be moved up to a NoI. Mr. Bubier states no heavy machinery to be used. This matter is continued to 08/15/07 at 9:30 PM.

**1118 – 1122 WASHINGTON STREET** (Map 152, Lots 23, 24, 25)

The Orthodox Congregational Church of Lanesville to remove existing dwelling and garage and construct an addition to the church.

Mr. John Judd present and rep. the Church reviews the plan with the Commission.

He notes the removal of the structure and associated pavement with measurements of 87 x 54. This being outside the buffer zone with 200 sq. ft of additional pervious.

He notes no drainage at this time. Mr. Judd notes the detention basin which is 2 ½ ft deep. He states there will be an erosion control sock along the back.

The Agent notes that the majority of the project is outside the jurisdiction of the GCC.

She further states the delineation is conservative.

The Agent notes an Engineering review and the stone wall as being fragile. She further states that she would like to see the construction sequence on the revised plan beefed up a bit.

Mr. Judd states that the stone wall is 1 ½ ft and as Ms. Ryder points out, the wall is fragile. He further notes that as Ms. Ryder stated in re: to beefing up, on the revised plan, they are willing to do that noting loam, seed and mulch, (1 vertical/3 horizontal).

This particular area is currently being mowed having a fairly slight grade.

Test pits were done with Mike Hale, 2 ft to ground water.

Mr. Schenk inquired as to the no build, no disturb area with Mr. Judd stating yes.

Mr. Febiger inquired as to the adjacent land and Mr. Judd stated it was vacant property with thickly established vegetation.

Mr. Anderson inquired as to the 2 trees that were being removed and Mr. Judd stated that they were outside the buffer zone.

Mr. Feener noted them to be Norway Maple and Spruce, (measurement of 24 inches).

Jonathan Weaver, liaison for the church stated that the hedge will be preserved and intact with just a bit of pruning.

The Agent notes native non invasives for planting and if not at least non invasives.

PUBLIC COMMENT: none

Ms. Ryder notes that an Engineering review with the majority of the project being outside our jurisdiction.

**Mr. Feener notes a reminder in regards to wanting the construction sequence beefed up.**

**Regarding maintenance, a 2 ft separation was noted, as well as review and comments from The Eng. Dept. having been complied with. Tentative approval: 08/01/07 7:05 PM.**

**MOTION: Mr. Febiger moves for tentative approval with the above data noted.**

**SECOND: Ms. Jackson VOTE: 5-0**

Ms. Ryder notes a potential statement of reason. She notes that if trees are to be removed, replacements of 15 to 25 ft. ornamentals and suggests Dogwood as being appropriate. Further noted was the parking area remaining stone.

The Agent inquires with Mr. Judd as to the DEP and Mr. Judd stated yes with no number as of yet. The approval would be contingent with DEP comments.

## **7 CEDARWOOD**

The Agent notes that the application was never sent to the applicant.

She further notes that Ms. Julie Ramsdell started work without a valid permit.

An Enforcement Order is warranted and 2 are to be signed, one local and one state.

Signatures can be obtained from the Commission this evening and can be ratified at the next meeting. Continuation date 08/01/07 for ratification and signatures.

## **LETTER PERMITS**

### **CITY OF GLOUCESTER, CEDARWOOD ROAD**

Mr. Schenk – recused.

The Agent reviews notifying the Commission that DEP

Ms. Ryder read a letter from Mike Hale and then read her letter of response.

There has been no response from the applicant.

The recommendation is to deny the Letter Permit and conduct an Enforcement hearing on 08/01/07 and turning this over to DEP as the Enforcement action could turn it over to DEP.

NoI is to be submitted by 08/01/07 or the Enforcement Order.

She informs the GCC that they will now be voting to hold a public hearing regarding this matter. It was noted that this has been an emergency for 3 years.

Mr. Schenk calls for a motion to deny the Letter Permit and to hold a public hearing.

MOTION: Mr. Feener moves to deny the Letter Permit and hold a public hearing on 08/01/07.

SECOND: Mr. Anderson      RECUSED: Mr. Schenk      VOTE: 4-0 in favor

**132 COLES ISLAND ROAD** (Map 259, Lot 6)

Ms. Sue St. Pierre, Vine Assoc. present rep. the applicant.

Mr. Sandy Patrican, applicant present.

Ms. St. Pierre addressed the Commission noting all the possibilities of design allowing water to flow through the structure and further noted DEP and waterways. A DMF letter was noted and states that they seem to feel this is a much improved design coming before the GCC. It was further noted that Dave Sargent 's conditions being no toxic materials to be used and no watercraft is to be allowed to ground out.

Ms. Ryder states that she is leaning more towards approval but does note that the GCC needs to be aware of all the regulations and noted a finding is needed regarding the footprint.

She notes that shellfish has responded and Dave Sargent has noted that the design significantly improves the proposal and reduces potential impacts.

DMF notes that they still believe there will be potential impacts to multiple marine resources (07/06/07 email), although the design change is an improvement.

DMF further notes that use of any boats on this pier would not meet Chapter 91 regulations. Boat scour would violate ACEC performance standards and is not consistent with DMF separation between impact or structure and sediments.

Projects in ACEC or coastal bank must file an ENF w/MEPA in addition to the Chapter 91 and ACE requirements.

Resources on site include at least ACEC, Estimated Habitat, Salt marsh, shellfish, fish run, coastal bank, RRA beach tidal flat and LSCSF.

The most restrictive standard relates to ACEC, the performance standard allows for No Adverse Impact. Structures must have existed on 11/01/87 to qualify for the maintenance and repair exemption under ACEC standards.

While the project applicants have made tremendous modifications and minimized impacts, the GCC must find that the project as presented will result in no adverse impacts to shellfish resources in order to issue a decision in favor of the project. I have no recommendations for the GCC as I can see reason to both approve the project – based on the extent of minimization, feedback from shellfish, the existence of the footprint at least as of 11/87, and DMF comments; and to deny the project – based on DMF comments and the strict wording of the regulations relating to no adverse impact and the need for the structure to have existed as of 11/87. Questions to be asked are: Does the footprint count

as a structure and did the existing rubble remains create the same or similar tidal dynamics as the modified foundation will? If approved, is there a way to monitor and further modify if necessary?

If the GCC opts to approve with conditions, I recommend at the minimum, conditions restricting all work to work by hand, no machinery, no work to extend past the existing footprint of the pier remains, no stockpiling of material within X amount of feet of the salt marsh or coastal bank other than on the existing pier, no boats or vessels to utilize the pier unless and until an ACEC management plan is implemented along with no grounding out of any kind and any other issues pertaining to the regulations.

The Agents reiterates that she has no recommendation for the GCC, just all the above information.

Mr. Frontiero notes the work to be done by hand and Ms. St. Pierre states that anchors will be in place using a compressor and Mr. Patrocin notes this process being like pile driving. He further notes that the site is extensively ledge.

Brandon Frontiero further discussed anchoring.

Photos were reviewed by the GCC and discussed.

The Agent notes that the stone is clearly \*\*\*\* equal to or above. She feels it is the remains of the existing structure.

She further notes that the GCC has to decide what the existing structure is, and that the design offers no adverse impact to the salt marsh.

It was further noted that the state has issued Chapter 91.

PUBLIC COMMENT: none

Mr. Schenk states that he agrees with the Agent regarding the guidelines to be used in relation to the marsh and any elevations. He notes some sort of long term monitoring plan to be in place regarding any adverse impact.

He further notes no grounding out of watercraft and no toxic materials on site. He further notes updates to the GCC during the construction. He notes that the applicants and representatives have done the best they can with the site they have to work with.

Mr. Anderson notes that with Chapter 91 approval, that proves that there was a structure there at some time.

Ms. Ryder notes the following:

- 1. The project is conditioned to allow no boats, floats or other vessels which can ground or scour in any way to be attached to this pier.**
- 2. Should an ACEC management plan be adopted in the future, all DMF design standards and best management practices must be complied with.**
- 3. The amended approved project as presented utilizes the modified design with hollowed pier arches.**
- 4. The project is approved with a requirement to the landowner to conduct monitoring using test and control transects via a monitoring plan to be designed and approve by both DMF and the shellfish constable. Long term evidence of damage will result in a requirement to further modify the pier as necessary.**
- 5. The monitoring plan is to be created and in place prior to the start of work.**
- 6. Baseline monitoring is required.**
- 7. No toxic materials to marine or aquatic life are to be utilized; MSDS sheets are to be referenced.**
- 8. Weekly project updates and photos are to be submitted to the office during the construction process and until the site is complete.**

9. **Conditions are imposed restricting all work to work by hand, no machinery, no work to extend past the existing footprint of the pier remains, no stockpiling of material other than on the existing pier,**
10. **No boats or vessels to utilize the pier unless and until an ACEC management plan is implemented, no grounding of any type, etc.**
11. **Helical anchors are to be driven to the point of refusal for stability. If refusal is shallow near 2 feet or less, or hits ledge at a shallow depth, then a drill and pin or rock socket method is to be utilized.**

Mr. Feener noted his concern regarding pneumatics and asked that a tarp be in place.

Ms. Ryder notes conditions:

Monitoring of affects of the surrounding salt marsh with photos and weekly reports along with future monitoring for 5 years.

No toxics

No watercrafts to be attached to the pier.

Shellfish comments are to become part of the order.

Mr. Febiger inquires as to the approval of the project with aforesaid conditions.

Mr. Schenk asks the Commission if they require any further discussion.

MOTION: Mr. Feener moves to approve the project with aforesaid conditions

SECOND: Mr. Febiger VOTE: 4-0

It was reiterated that no alterations to the salt marsh are to be found and the 5 year monitoring plan is to be in place. It was suggested that a spot be picked and a grid made for that area to count the shoots that are produced in one square to denote any changes.

8:30 PM Five minute recess

MOTION: Mr. Febiger SECOND: Mr. Anderson VOTE: 4-0 all in favor

### **135 COLES ISLAND ROAD (Map 259, Lot 6B) NEW**

H. A. Patrican requests the Cons. Comm. to determine the applicability of the Wetlands Prot. Act and the local Wetlands Ord. for re-construction of a greenhouse/workshop and installation of a septic grinder pump.

The Commission reviews the plan.

John Judd present and rep. the applicant, Mr. Patrican who is present as well.

They note this being 5 ½ acres previously submitted regarding the septic with approval w/negative determination.

Photos were submitted and reviewed by the GCC.

This is a submission for permission for an elevated concrete structure in regards to the construction of a new greenhouse and grinder pump.

The Agent notes that it should be noted on the plan where the specific area for stockpiling will be located.

It was noted that the sewer pump can be relocated to accommodate the 200ft. ACEC rules.

Mr. Schenk noted and discussed herbicides and pesticides being used in regards to drainage issues.

Mr. Judd stated that all organics would be used and the applicant would be amenable to that.

Mr. Feener inquired as to an existing path and Mr. Judd stated that there is an existing path, which is shown on the plan and is somewhat overgrown. Mr. Feener asked what would be around the greenhouse and Mr. Patrican stated that it would be left as brush and noted that City of Gloucester water is associated with this site.

PUBLIC COMMENT: none

The Agent notes to the GCC that the details of the scope of the construction zone and details of the construction process are minimal or not included. Some construction details relate to the home and possibly not the greenhouse and a clarification needs to be made. She inquired as to where the point of access for construction would be located. The Agent further notes that the limits of construction disturbance seems large for the greenhouse alone. She inquires as to whether or not the entire area between the proposed home and the green house to be the construction zone and will there be yard clearing between the greenhouse and the \*\*\*\*\*. She further inquired as to how many trees are to be removed or what quantity of vegetation is to be removed. She notes to the Commission that GWO performance standards do not allow drainage systems or septic system components within 200 ft of ACEC. She inquires as to where the grinder pump would be located and is there drainage. This is all pending the Eng. review but can also be conditioned.

Noted conditions:

Extension of the erosion control and the moving of the septic.

Organics only restriction (beneficial insects were noted)

No disturbance, 100 ft. buffer zone, other than the greenhouse and 200ft ACEC standards.

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Feener pending Eng. review which will be part of the order

RDA: +2A, +5, -3. VOTE: 4-0 all in favor

### **23 BISKIE HEAD POINT** ( Map 232, Lot 1) **NEW**

Charles Kelly to replace sewage disposal system and construct a garage/greenhouse and well.

John Judd consultant rep. the applicant. Mr. Kelly not present.

Mr. Judd notes that the Board of Health has approved the sewerage drainage system.

The plan was then reviewed by the GCC.

A 24 x 24 Ft garage/greenhouse was noted and the proposed well was also noted on the plan. He notes 1600 sq. ft. of recently planted vegetation and landscaping which is close to the Wetland and adjacent to the driveway.

Ms. Ryder notes two main concerns, the well and having appropriate mitigation.

Mr. Judd discussed the well and its location.

Mr. Anderson asks if the driveway is gravel and Mr. Judd states yes.

Mr. Schenk inquired as to a required set back for the driveway in re: the leach field with Mr. Judd responding, 20 ft.

The Agent and Mr. Schenk both noted that the preference would be to move the well as it is too near to the stone driveway.

PUBLIC COMMENT: none



Mr. Feener notes that with the new plantings, a 4 year mortality rate should be in place. An inquiry was made regarding a bathroom. Mr. Judd stated that electricians would be overhead.

Mr. Febiger inquired with Mr. Judd as to the drainage in the greenhouse going through the floor and Mr. Judd stated yes.

Noted as conditions:

The Eng. review is pending but will be required as part of the order.

2 to 1 mitigation with a 4 yr. mortality rate.

No herbicides or pesticides to be used, only organics.

The well being relocated as annotated.

Roof runoff mitigation w/ Eng. Dept.

Alternative analysis accepted.

MOTION: Mr. Anderson moves to approve

SECOND: Mr. Feener      VOTE: 4-0

**39 RIVER ROAD** (Map 118 Lots 5 & 6)

Campbell Edlund to raze and re-construct a portion of a dwelling, elevate existing structure and construct an addition.

Mr. William Manuell present rep. the applicant notes a site visit done with Jim, Dave and Ms. Ryder. He notes erosion from the trenches and the use of a jacking beam, sandbagging the opening to the seawall, backfilling and excavation. Stones would be mortared back in place at the end of the project. He notes a 24 inch corrugated pipe filled with concrete which is holding up the house at present. He states that this is not a shellfish habitat. At the last meeting the oil for the jacks was discussed and Mr. Manuell notes that there is no substitute for the hydraulic oil that is used. He further notes that the jacks will only be in place at the beginning and end of the project. A floating silt boom would be installed.

The Agent notes that no one had any concerns. In regards to the stabilization of the trenches, an emergency spill kit is to be on site.

Conditions noted are as follows:

The Eng. review listed as part of the decision.

Erosion protection for the trenches and bags. This to be backfilled and then jacks will be raised and lowered. Booms and spill kit to be in place.

MOTION: Mr. Febiger moves to approve.

SECOND: Mr. Anderson      VOTE: 4-0 all in favor

**458 WASHINGTON STREET** (Map 109, Lot 1)

Frank Piraino to construct a seasonal gangway and float on Mill River.

Mr. William Manuell present and rep. the applicant states that there was a site walk done in June. He notes that at the next meeting he will have an opinion from a surveyor and information regarding the right of use. He would like this to be continued to the next meeting.

The GCC reviews the site photos.

The Agent notes that salt marsh is noted on the plan but it is rocky inter-tidal.

Ms. Ryder further notes that additional comments and recommendations will be submitted as the review progresses.

MOTION: Mr. Feener moves to continue the matter to 08/01/07 7:30 PM

SECOND: Mr. Anderson      VOTE: 4-0 all in favor

**28 KENT ROAD** (Map 220, Lot 6)

Paul LeBlanc to construct a pier and seasonal gangway and float on Little River.

Mr. William Manuell rep. the applicant.

He states that this project is for a proposed private pier. He notes that the salt marsh generally ends then its rocky shore. There was suggestion to relocate the pier beyond the edge of the salt marsh and he has done that, with the float and anchorage remaining the same and over the rocky inter-tidal shore.

He further noted that the final plan complies with Shellfish and DMF.

Photos were shown and reviewed by the GCC.

Mr. Feener inquires as to the path and Mr. Manuell notes it as cat briar and states that they will avoid all trees.

Mr. Frontiero inquired as to piles being installed and Mr. Manuell stated that it would be mounted hardware on rocky tidal. Mr. Frontiero asked if it would be pressure treated and Mr. Manuell stated no, it would probably be cedar.

Ms. Ryder noted that aluminum and/or composite seem to be holding up well.

Mr. Manuell noted weedwacking and mowing.

**PUBLIC COMMENT**:

Ms. Sharon Gellatti inquired with the Commission as to the path being in the buffer zone and further asked if it would be paved.

Ms. Ryder states it will be a footpath and not paved.

Mr. Manuell stated that now seems wider than 10 ft.

Mr. Schenk noted that Mr. Manuell should take photographs re: the path.

**PUBLIC COMMENT**: closed

Ms. Ryder summarizes all information for the GCC.

MOTION: Mr. Anderson moves to approve w/aforesaid conditions

SECOND: Mr. Febiger      VOTE: 4-0 all in favor

**92 HOLLY STREET** (Map 123, Lot 24) **NEW**

John and Sandra Scammell to construct a garage with associated driveway, grading and utilities.

Mr. John Judd, consultant rep. the applicant. Mr. Scammell present as well as his attorney, Mr. Paul Shea.

Mr. Judd states that photos have been taken. He notes the dimensions as 24 x 28 for the garage and driveway. He notes that with the proposed garage Ms. Ryder made a suggestion to move the garage location.

Ms. Ryder notes that the location of the garage and drive as amended would minimize disturbance and proximity to the bank and to avoid most of the tree cutting or loss that would have occurred with the original submittal.

The Agent notes a detailed construction sequence and with an oak tree being removed it should be 2 to 1 mitigation groundcover along with the float brought up to design standards.

Mr. Feener notes that the stump should stay.

Mr. Anderson inquired as to the utilities and Mr. Judd stated that it would be above ground electrics.

Ms. Ryder notes that any other services under the drive would have to come before The Eng. Dept and the GCC. This would have to be an amendment as it is not on the plan at present.

PUBLIC COMMENT: none

Conditions as noted:

1 Oak tree removed with the stump remaining

2 to 1 groundcover along the bank.

Overhead utilities and the float design up to standard with all conditions prior to the start of work.

MOTION: Mr. Anderson moves to approve with aforesaid conditions

SECOND: Mr. Feener      VOTE: 4-0

### **25 WINGAERSHEEK ROAD** (Map 257, Lot 250)

Mr. John Judd, Gateway consultant present rep. the applicant Mr. Samuel Saccardo, present as well.

Mr. Judd reviews the plan with the GCC.

He notes a 37 x 40 dwelling, water service and a 24 x 24 ft garage with gravel parking area and footpath. The septic has been shifted and will be submitted to the Board of Health for approval.

Photos were viewed by the GCC.

It was noted that the structure and garage will be on piers.

Mitigation: 6000 sq. ft. with the removal of poison ivy to be replaced with beach grass. This will work with the existing grade at the property. A snow fence will be in place to insure workmen stay within their limits.

Ms. Ryder notes this as a revised plan and is concerned about the amount of pervious surface, the proximity of the house noting the buffer zone.

No comments from Shellfish or Engineering at this time.

She notes a tremendous amount of disturbance.

Mr. Schenk recommended a site visit with Ms. Ryder in agreement.

Mr. Judd notes that this meets the zoning for 2 lots but the owner has decided it will be 1 lot.

The Agent notes this area as having an unusual habitat feature and feels a group site visit is in order.

She notes the area for the proposed septic system is in a pine grove. She further notes comments from abutters: a letter from Doug LaChance, expert tree consultant.

She further notes George Adam representing Mr. Hancock.

At this point in time Mr. Schenk notifies the public that anything they may have for comments this evening must be submitted in writing and anyone from the public wishing to speak this evening must limit their time to 5 minutes each.

Ms. Ann Martin stated that she had concerns regarding this issue in a barrier beach and further notes that the coastal dune crosses the entire site, the entire site is a dune.

She notes Executive Order # 181 re: barrier beaches and work.

She has grave concerns regarding these issues and the project.

Ms. Ryder notes that this is a point well taken and that the entire site is in a barrier beach. She recommends a 3<sup>rd</sup> party consultant be hired with CZM geologist not being an option. Mr. Saccardo notes that he has lived on the beach for 30 years and will comply with anything that needs to be done. He notes 1 tree with all shrubs being replaced along the drive and the walkway. He states to the GCC that he will make any accommodations.

Mr. Schenk schedules a site visit for 07/28/07 at 8 AM.

Ms. Ann Martin asks if she can attend the site visit and Mr. Schenk states that it is up to the property owner.

MOTION: Mr. Feener moves to continue the matter to 08/01/07

SECOND: Mr. Febiger                      VOTE: 4-0 all in favor.

### **ARBOR ROAD EXTENSION** (Map 118)

Sarah Hackett to construct a gangway and seasonal float.

Request for withdrawal.

MOTION: Mr. Feener moves to withdraw this matter w/o prejudice

SECOND: Mr. Febiger                      VOTE: 4-0 all in favor.

### **12 RIO DRIVE** ( Map 185, Lot 157)

Poole Construction to construct a single family home on pilings with a deck, driveway and utilities.

The Agent reviews with the GCC stating that they initially denied the project asking for additional information which the owner rejected. CZM needing more info.

A 3<sup>rd</sup> party review was requested and the landowner rejected that wanting the GCC to take action based on the information submitted.

Mr. Mike Seacamp rep. the owner Mr. Stanley Poole states that Mr. Poole is willing to suffer the consequence.

PUBLIC COMMENT: none

Mr. Febiger inquires as to the GCC asking for a 3<sup>rd</sup> party review with Ms. Ryder noting state and local as two separate denials and notes a draft. She notes a denial re: the Wetland Ordinance and the applicant failing to use the 3<sup>rd</sup> party review process. She further notes a letter from CZM. Ms. Ryder notes photographic evidence noting high water and storm highs.

This is not in compliance with the Gloucester Wetland Ordinance and several were noted. There is a lack of information that was previously requested by the GCC.

Ms. Ryder notes that she has detailed information but at this point in time briefly summarized.

MOTION: Mr. Anderson moves to deny re: non compliance state and local Wetland Ordinances.

SECOND: Mr. Febiger                      VOTE: 4-0 all in favor

### **260 CONCORD STREET**

#### **Certificate of Compliance**

Mr. Mike Seacamp rep. the applicant notes that the original CoC was in 2005 and that this is a new CoC. He notes Wetland replacement areas that are surrounded by 100% indigenous Wetland species. He notes a long hydro period and characteristics of a vernal pool. When the area is dry it looks like mud flats. He notes a measurement of 360 sq. ft

and states that by September more vegetation will present itself. He notes a culvert that the GCC specified as a 2 x 4 \*\*\* culvert that \*\*\*\*\* could go through.

Ms. Ryder notes that it is not what was originally designed but seems to function quite well. Mr. Febiger states that the stream flows under the culvert not in it. Ms. Ryder states that it is a little high.

Mr. Seacamp notes the shrubs and that there is at least 75 % indigenous Wetland vegetation.

Mr. Schenk states that the structure may not be exact but the function is.

Mr. Anderson inquires as to noting this as an "as built".

Mr. Seacamp notes that this particular culvert is not in the OoC but it is functioning.

Ms. Ryder did not a concern regarding the elevation of the culvert and water being under it but that the area seems fine.

Mr. Schenk requests that Mr. Seacamp detailed photographs.

MOTION: Mr. Anderson moves to approve the CoC with photos to be submitted.

SECOND: Mr. Febiger                VOTE: 4-0 all in favor.

**462 ESSEX AVE** (Map 226, Lot 8) **NEW**

Jeffrey French before the GCC for vegetation clearing in a buffer zone and bordering vegetated Wetlands, installation of a dog walk and sewer connection.

Mr. French is present.

Mr. William Manuell is present rep. the applicant and states that they are here to right a wrong at the Cape Ann Veterinary Hospital in relation to cutting that was done in the northern area of the property. The intent was to create a dog walking area but not to the extent that was done in clearing the area.

The Wetland boundary and intermittent stream were noted. A number of trees were cut down. A discussion was had regarding the type of trees for planting. Proposed trees for planting are as follows: 26 trees, 6 to 8 ft tall. In regards to the buffer zone, he would like the area to regenerate by itself as stump sprouting is occurring. The canopy is to be replaced with mitigation at 2 to 1. A vegetative buffer is proposed between the dog walk area and the buffer zone. The dog walk area is to be used for the purpose of allowing customers to exercise pets while waiting for appointments. This is to be a figure 8 configuration with a walking surface of wood chips. One tree is severely hanging over the building and we would like to have that removed with a bucket truck if possible. We would also like to have the sewer connection added to the OoC.

Ms. Ryder inquired as to the use of the upland area. She states that she is not in favor of the location of the walk as it is too near to the Wetland, it's on the Wetland. She feels the walk should be upland.

Mr. Manuell notes that the planting schedule is noted on the plan.

Ms. Ryder states that maybe they should skip the dog walk and discuss mitigation.

Mr. Feener states that he is having a hard time with including the stump sprouting as part of the mitigation.

Mr. Manuell states that it is not included but considered it a bonus.

Ms. Ryder notes that this has to be the decision of the GCC but she is not sure that 26 trees would be enough re: mitigation. She reiterates that she is against the dog walk location.

Mr. Manuell noted the ramps and Ms. Ryder stated she would never advocate leaving the ramps. Ms. Ryder further stated that allowing the ramps to stay is an invitation for vehicle traffic. She further states that this would not have been approved had they come before the Commission.

PUBLIC COMMENT: none

Mr. Febiger stated that he would like to look at the site.

Ms. Ryder notes that maybe something going in could bi-sect the ramp so that nothing can go there like cars, trucks or a potential parking lot. She would really like to see the fill removed and the area restored to the way it was.

MOTION: Mr. Feener moves to continue the matter to 08/01/07 for a site visit.

SECOND: Mr. Febiger      VOTE: 4-0 all in favor

### **EASTERN POINT** (Map 134, Lot 28)

Eastern Point Residents Association for storm response work, future protocol of storm damage and spreading sand at Brace Cove Road and Niles Pond Causeway.

There was a request to waive the fee for filing after the fact and the Agent denied it.

Mr. Manuell states that the Assoc. obtained an Emergency Certificate form. He states that there was a misinterpretation of what was said and who did what.

Ms. Ryder reminds the GCC that this is an after the fact filing. The Agent presented photos for the GCC to review and also notes the causeway.

Mr. Manuell noted the 04/07 Nor'easter which damaged the causeway and notes the resources of Niles Pond. This is a man made causeway which is maintained by the Association. He notes the culvert. He states that the Association has no choice but to maintain the causeway and culvert and notes that Mr. Strong has always done work for the Association. The Association did work according to the Emergency Cert. re: what was to be done re: 04/07 Nor'easter damage, to restore it to its existing condition. He notes photos pointing out the extent of the damage to the causeway. With the excavation raking back materials, he actually thought it was recovering the materials that were washed away from the causeway. He notes the impact on the landward side (pond side).

Ms. Ryder notes it not being landward but a Great Pond.

Mr. Febiger inquired with the Agent as to that area being protected and Ms. Ryder stated yes, actions within it are restricted. She notes 5000 ft. being impacted. She notes a benefit being the raking off of the phragmites and then seeded.

Mr. Manuell presents photos to the GCC of present views of the area.

Ms. Ryder states that she would like to do this on a positive note. She further notes that 11/12/97 violations are noted. She read from a letter of 3/3/98 requested an NoI be filed, with an ER Cert. form in 2003 to clear the culvert, 6/14/05 Letter Permit with a final condition that a NoI was to be filed, no soils or vegetation to be disturbed. This has been stated 5 times and they did not comply. She further states that this has been happening since 1997 on an almost yearly basis.

Mr. Manuell states that there is a difference of opinion as to what was to be allowed. The Assoc. is the only entity that is maintaining it. One form said restore and there seems to be a difference of opinion as to what that means. Mr. Manuell noted a maintenance plan as there really is no regular maintenance and something is usually blocking the culvert.

Ms. Ryder inquired as to a separate document being created re: a formal maintenance plan. Mr. Manuell stated that there really is no management of the causeway.

Mr. Schenk recommends ½ to 45 minute time frame, at another time.

The Agent notes that CZM and DEP comments are needed.

Mr. Febiger inquired as to any alternative to the causeway and culvert and Mr. Manuell responded stated that essentially there are none.

Maggie spoke re: the causeway and the excavation of Niles Pond. She further discussed the causeway in relation to the Association.

Ms. Ryder states that legally you cannot do anything at a barrier beach unless you have a management plan. She further questioned the raking of the beach with Maggie stating she is not aware of that being done.

The Agent reiterates that a management plan needs to be in place.

Mr. Anderson notes the benefit to a management plan being in place is so that the Assoc. will know what to do.

Ms. Ryder states that being a barrier beach, affecting the whole eco system a management plan is needed. DEP created the outline for the City of Gloucester to follow and she offered to give Maggie the outline to go by. She further stated that nothing can be done without an OoC anyway.

MOTION: Mr. Feener moves to continue the matter to 08/01/07 8 PM

SECOND: Mr. Anderson                      VOTE: 4-0 all in favor

**47 GROVE STREET** (Map 41, Lot 8) **NEW**

David Cutter, Strong Group Incorp. for construction of a paved storage area and expansion of a parking area in a buffer zone.

Mr. William Manuell rep. the applicant presents the plan to the GCC.

He notes 2 cargo trailers, no wheels, no foundation and permitting work after the fact between the paved areas. He would like to formalize a specific parking area as new work. He suggested a vegetative treatment swale with runoff proceeding to the buffer zone.

DEP comments were noted. Hay bales were left and the owner disposed of them in the Wetland. Further noted were indigenous shrubs and seed mix 1000 ft. plus. He further notes a monitoring schedule with a 30 day success rate 2 years thereafter.

ATV disturbance in the Wetland is not from his client. The chain link fence is continually being torn down. He suggests dropping a few trees and putting in boulders to keep the ATV's out. The Eng. Dept needs to review storm water.

Ms. Ryder notes some type of shrub as a vegetative buffer not being 2 to 1 but at least 1 to 1.

Mr. Schenk suggested mitigation being done possibly off site with Ms. Ryder stating that may be a possibility.

PUBLIC COMMENT: none

MOTION: Mr. Febiger moves to continue the matter to 8/01/07 7:30 PM.

SECOND: Mr. Anderson                      VOTE: 4-0 all in favor

CZM – Eelgrass planting test plots – The Agent informs the GCC that 1200 eelgrass plantings designated throughout the area. This is an EPA and DMF joint project. She is asking this to be approved as a Letter Project.

MOTION: Mr. Feener moves to approve as a Letter Permit

SECOND: Mr. Anderson                      VOTE: 4-0

### **34 BENNETT STREET NORTH**

This is a request to move soils deposited as part of the Bennett Street Reconstruction further from the resource area. This is Letter Permit request.

MOTION: Mr. Febiger moves to approve the Letter Permit

SECOND: Mr. Feener                      VOTE: 4-0 all in favor

Request for a waiver re: refiling of fees for withdrawn NoI to be resubmitted by Peter Kelleher. Not Granted.

### **Certificates of Compliance**

46 Rowley Shore Road – granted

15 Cononicus Road – not granted

144 Wheeler Street - granted

260 Concord Street – granted

75 Essex Ave – on hold

MOTION: Mr. Feener moves to adjourn

SECOND: Mr. Anderson

VOTE: 4-0 all in favor. Meeting adjourned

Respectfully submitted,

Carol A. Gray  
Recording Clerk